

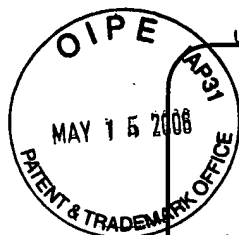
*Jan*

PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

3

Application Number

10/718,770

Filing Date

November 21, 2003

First Named Inventor

Charles L. Branch, et al.

Art Unit

3738

Examiner Name

Christopher D. Prone

Attorney Docket Number

MSDI-220/PC740.00

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<div>Remarks</div>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	May 10, 2006	Reg. No.	45,431

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re patent application of:	)	Before the Examiner:
Charles L. Branch, Jr.	)	Christopher D. Prone
	)	
Application Serial No. 10/718,770	)	Group Art Unit 3738
	)	
Filed November 21, 2003	)	Ref. No. MSDI-220/
	)	PC740.00
	)	
EXPANDABLE SPINAL IMPLANT	)	May 10, 2006

**RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed April 12, 2006, please enter and consider the following remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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May 10, 2006

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Name of Registered Representative

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